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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,353	06/18/2001	Glenn R. Engel	10003415-1	2420
7590 09/08/2004			EXAMINER	
AGILENT TECHNOLOGIES, INC. Legal Department, DL429 P. O. Box 7599 Loveland, CO 80537-0599			PATEL, NIKETA I	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

**Application No.**

09/884,353

**Applicant(s)**

ENGEL ET AL.

**Examiner**

Niketa I. Patel

**Art Unit**

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**


- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2182

**DETAILED ACTION**

***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required.

See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: Jefferson B. Burch, one of the inventors, did not sign the declaration. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6, 9, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Amini et al. U.S. Patent Number: 6,698,021 (hereinafter referred to as "Amini".)

4. **Referring to claims 1, 13, Amini** teaches a system and a method for device configuration, comprising: device that

Art Unit: 2182

transfers a request message via a communication network [see column 9, lines 55-67 and column 10, lines 1-3 and figure 7, element 702, 704 and figure 3, element 310]; configuration server that receives the request message via the communication network and in response transfers a response message to the device via the communication network wherein the response message includes a set of configuration data for the device [see column 9, lines 55-67 and column 10, lines 1-3 and figure 7, element 706, 708 and figure 3, element 330.]

5. **Referring to claims 4, 16,** *Amini* teaches a system and a method wherein the request message includes a set of data obtained by the device when performing a set of device behaviors [see figure 7, element 702 'event' and column 9, lines 58-61.]

6. **Referring to claim 6,** *Amini* teaches a system further comprising a workstation that transfers the configuration data to the configuration server [see column 9, lines 35-45 and column 8, lines 59-67 and figure 3, element 320.]

7. **Referring to claim 9,** *Amini* teaches a system further comprising a local network that enables communication among the device and a set of additional devices [see figure 3, elements 310, 314, 340, 312.]

Art Unit: 2182

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-3, 5, 14-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al. U.S. Patent Number: 6,698,021 (hereinafter referred to as "Amini".)

10. **Referring to claims 2, 3, 14, 15, Amini** teaches that request messages are communicated via HTTP [see column 7, lines 14-19] however does not set forth the limitation of the request message comprises an HTTP POST command request and an HTTP GET command request.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being able to move variety of data across a variety of platforms seamlessly over the network by using HTTP POST and HTTP GET commands. It would have been obvious to one of ordinary skill in

Art Unit: 2182

the art at the time of applicant's invention to include HTTP POST and HTTP GET commands to get this advantage.

11. **Referring to claims 5**, *Amini* teaches a system for device configuration, comprising: device that transfers a request message via a communication network [see column 9, lines 55-67 and column 10, lines 1-3 and figure 7, element 702,704 and figure 3, element 310] however does not set forth the limitation of a system wherein the request message includes a heartbeat indicator for the device.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of making server aware of a status of networked devices connected thereto by periodically sending heartbeat message. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include heartbeat message to get this advantage.

12. **Referring to claims 17, 18**, *Amini* teaches a method for device configuration, comprising: device that transfers a request message via a communication network [see column 9, lines 55-67 and column 10, lines 1-3 and figure 7, element 702,704 and figure 3, element 310] however does not set forth the limitation of a method wherein the step of transferring a request message

Art Unit: 2182

that includes a heartbeat indicator comprises the step of transferring the request message with the heartbeat indicator at a random time.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of making server aware of a status of a network device connected thereto by periodically sending heartbeat message. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include heartbeat message to get this advantage.

13. Claims 7-8, 10-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al. U.S. Patent Number: 6,698,021 (hereinafter referred to as "*Amini*") as applied to claims 1 and 13 above, and further in view of Kobata et al. U.S. Patent Number: 6,591,367 (hereinafter referred to as "*Kobata*".)

14. **Referring to claim 7,** *Amini* teaches a system and a method for device configuration, comprising: device that transfers a request message via a communication network [see column 9, lines 55-67 and column 10, lines 1-3 and figure 7, element 702,704 and figure 3, element 310.] *Amini* does not set forth the limitation

Art Unit: 2182

of a system wherein the configuration server sets a configuration pending indicator when the configuration data is received from the workstation however *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Amini* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

15. **Referring to claim 8**, teachings of *Amini* as modified by teachings of *Kobata* above teaches, a system wherein the configuration server transfers the configuration data to the device in the response message along with an acknowledgment to the request message if the configuration pending indicator is set and transfers the acknowledgment to the device otherwise [see *Kobata* column 4, lines 22-33.]

16. **Referring to claim 10**, *Amini* teaches a system for device configuration, comprising: device that transfers a request message via a communication network [see column 9, lines 55-67 and column 10, lines 1-3 and figure 7, element 702,704 and figure 3, element 310.] *Amini* does not set forth the limitation



Art Unit: 2182

of a system wherein the request message includes a configuration change message that indicates that a specified one of the additional devices has a set of pending configuration data on the configuration server however *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Amini* for providing protection from unauthorized use of data by a system.

It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

17. **Referring to claim 11**, teachings of *Amini* as modified by teachings of *Kobata* above teaches, a system wherein the device transfers the configuration change message to the specified one of the additional devices via the local network [see *Amini* figure 3, elements 340, 314.]

18. **Referring to claim 12**, teachings of *Amini* as modified by teachings of *Kobata* above teaches, a system wherein the specified one of the additional devices obtains the pending configuration data by transferring an additional request message to the configuration server via the communication network [see *Kobata* column 4, lines 22-33.]

Art Unit: 2182

19. **Referring to claim 19**, *Amini* teaches a method for device configuration, comprising: device that transfers a request message via a communication network [see column 9, lines 55-67 and column 10, lines 1-3 and figure 7, element 702,704 and figure 3, element 310.] *Amini* does not set forth the limitation of a method wherein the step of transferring a request message comprises the step of transferring a request message includes a configuration change message that indicates that a set of pending configuration data is available however *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Amini* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

20. **Referring to claim 20**, teachings of *Amini* as modified by teachings of *Kobata* above teaches, a method further comprising the step of obtaining the pending configuration data by transferring an additional request message via the communication network [see *Kobata* column 4, lines 22-33.]

**Conclusion**

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to remotely controlling networked devices:

Cunningham et al. U.S. Patent Number: 6,754,621

Carcerano et al. U.S. Patent Number: 6,308,205

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

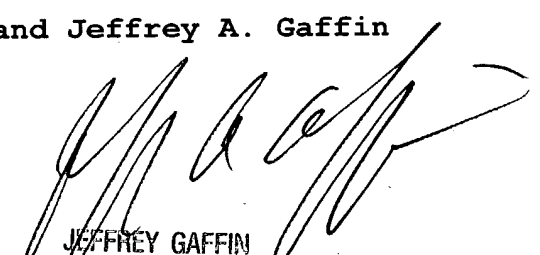
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The above listed phone numbers of the examiner Niketa I. Patel and the examiner's supervisor, Jeffrey A. Gaffin are effective until October 12, 2004. After October 12, 2004 Niketa I. Patel can be reached at (571) 272-4156 and Jeffrey A. Gaffin can be reached at (571) 272-4146.

NP  
09/01/2004



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